



# The Virginia State Bar



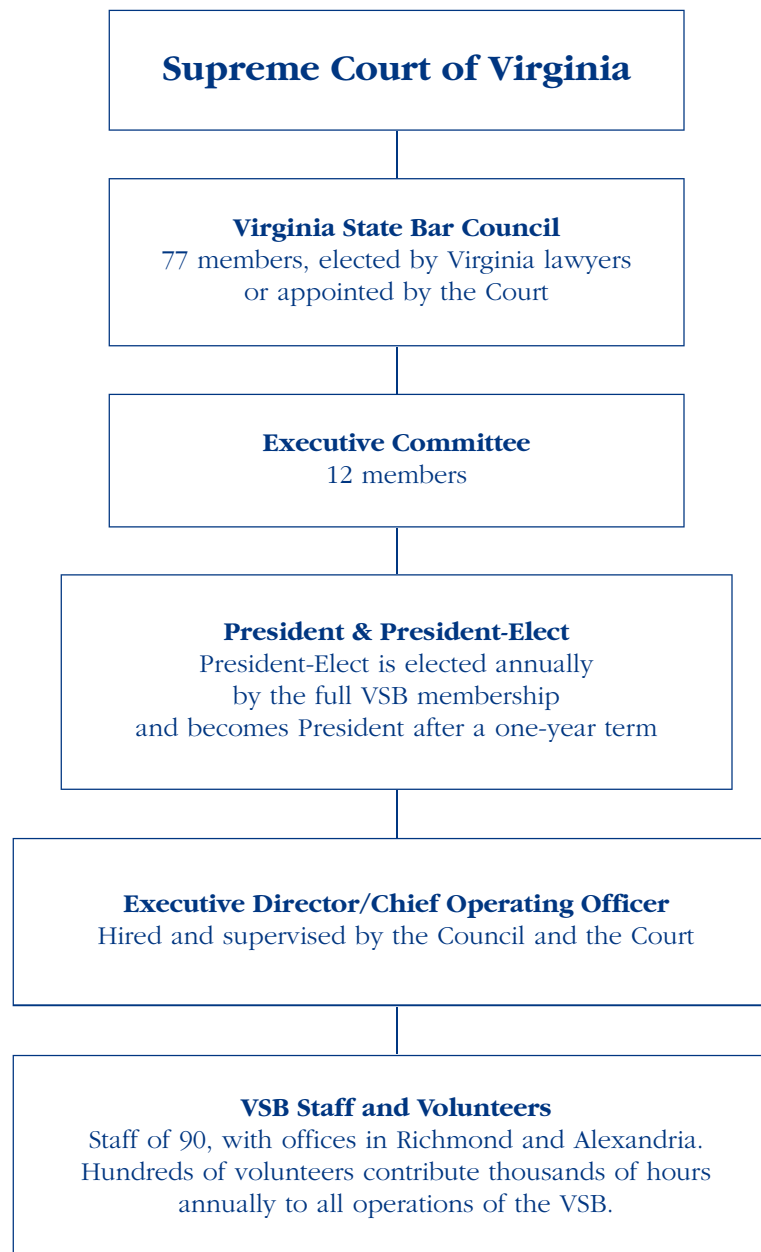
*A lawyer and  
layperson's reference.*

## About the Virginia State Bar

The Virginia State Bar is an administrative arm of the Supreme Court of Virginia. It provides a wide range of services to the citizens of Virginia and the legal profession.

<b>Purpose</b>	The mission of the Virginia State Bar, as an administrative agency of the Supreme Court of Virginia, is (1) to regulate the legal profession of Virginia; (2) to advance the availability and quality of legal services provided to the people of Virginia; and (3) to assist in improving the legal profession and the judicial system.
<b>Members</b>	<p>All lawyers admitted to practice in Virginia register, pay dues, and comply with licensing requirements.</p> <p>More than 25,000 lawyers are active members eligible to practice in Virginia.</p> <p>More than 39,000 lawyers are registered in all categories of membership, including associate, judicial and retired.</p>
<b>Funding</b>	<p>The VSB is supported entirely by lawyer dues, self-generated income and volunteer service.</p> <p>It receives no tax dollars.</p>

## Governance



# Regulation of Lawyers

## ADMISSION TO THE BAR

### Requirements

A **degree** from an American Bar Association-accredited law school or the Virginia Law Reader Program.

A passing grade on a rigorous two-day **examination** administered by the Virginia Board of Bar Examiners. Alternately, lawyers licensed in another state can be admitted without taking the exam if Virginia has a reciprocal agreement with that state.

Passing the Board of Bar Examiner's **character and fitness exam**.

A **license** issued by the board.

## RULES FOR LAWYERS

Requirements for practicing law in Virginia are set out in the Supreme Court of Virginia's rules and in Virginia law. The VSB publishes the requirements annually as **Professional Guidelines**.

## WHEN A LAWYER BREAKS THE RULES

The VSB's attorneys and investigators investigate and, when appropriate, prosecute complaints against lawyers.

### Sanctions

**Revocation**; permanent, unless the lawyer successfully petitions the Supreme Court for reinstatement.

**Suspension** for a period of time.

**Public reprimand**.

**Private reprimand**.

# Regulation of Lawyers

**Admonition**; this can be public or private, depending on the severity of the misconduct.

In many cases, a sanction includes **terms** with which the lawyer must comply, such as undergoing a practice management audit or taking ethics courses.

All public discipline is posted on the VSB's Web site, **www.vsb.org**. All discipline becomes part of the attorney's permanent record.

**Misconduct Hearings** Disciplinary cases are heard by:

**A district disciplinary committee** of lawyer and lay volunteers from the accused lawyer's community;

In more serious cases, the **VSB Disciplinary Board**, made up of lawyer and lay volunteers; or

**Three circuit judges** appointed by the Supreme Court of Virginia.

An attorney may appeal a finding to the Supreme Court if the attorney has not agreed to the finding in an agreed disposition.

## Regulation of Lawyers

### Receiverships

When a lawyer's practice no longer is being managed due to disability, death or abandonment, the VSB employs a court-appointed receiver to protect clients' interests and close out the practice. The VSB is reimbursed from the practice's assets, where available. Twenty-two Virginia practices were put into receivership in the 2004–2005 fiscal year.

### OTHER REGULATORY FUNCTIONS

#### Practicing Law Without a License

A **Committee on Unauthorized Practice of Law** oversees the investigation and prosecution of people who practice law without a license, including lawyers whose licenses are not in good standing.

#### Lawyer Advertising

A **Committee on Lawyer Advertising and Solicitation** monitors advertising by lawyers and law firms to make sure it conforms to ethical requirements. Violations may be prosecuted.

## Services for Lawyers

### ETHICS INFORMATION

#### Ethics Hotline

VSB staff attorneys provide ethics advice to lawyers.

The hotline received more than 4,000 calls in the 2004–2005 fiscal year.

## Services for Lawyers

### Ethics Opinions

Attorneys may request written opinions on ethical issues from the **Committee on Legal Ethics**. Opinions are published in the *Virginia Lawyer Register*.

### PRACTICE SUPPORT

#### Risk Management

Free advice on legal malpractice avoidance, claims repair, professional liability insurance issues and law-office management, provided by John J. Brandt.

#### Confidential Audits

Analysis of law-practice management in small and solo firms, provided at reduced rates by Janean S. Johnston.

### VSB PUBLICATIONS

#### *Virginia Lawyer*

Magazine published five times per year with articles on substantive law, bar news, announcements of upcoming events and advertising of products and services needed by lawyers and law firms.

#### *Virginia Lawyer Register*

Published five times alternately with *Virginia Lawyer*; documents disciplinary outcomes, rule changes, legal ethics opinions and other information important to the regulatory function of the bar.

#### Brochures and Booklets

Topics for attorneys include opening a law office, guardianship and conservatorship, and brochures that lawyers can purchase and give to clients on subjects such as wills, estate planning and divorce.

## Services for Lawyers

### Web Site

#### **www.vsb.org**

Posts many VSB publications, lawyer training and volunteer opportunities, recent disciplinary actions, real-time access to Mandatory Continuing Legal Education compliance and other membership information.

### CONTINUING LEGAL EDUCATION

Virginia lawyers are required to take 12 hours of approved legal education annually, including two hours of ethics. The VSB's **Mandatory Continuing Legal Education Board** sets policy for the programs, approves courses and tracks compliance. In 2004, the board accredited almost 15,000 continuing legal education programs in Virginia. The VSB also directly sponsors or supports education opportunities, including:

#### **Professionalism Course**

Focuses on the rules that govern the profession. Every Virginia lawyer must take it once, in the first year of practice.

#### **CLE Programs**

Sponsored throughout the year and at the VSB Annual Meeting by the bar's sections, committees and conferences.

#### **Midyear Legal Seminar**

Education programs in a vacation setting, sometimes outside the United States. The seminar is self-supporting.

#### **Solo & Small-Firm Forum**

Held in different locations around the state, this forum provides law-office management training. During a Town Hall Meeting following each forum, lawyers can discuss their concerns and questions with Supreme Court justices and VSB officials.

## Services for Lawyers

### **Chief Justice's Indigent Criminal Defense Training Institute**

For experienced public defenders and private attorneys who accept court appointments to defend indigent people in criminal cases.

### **Professional Development Conference**

For lawyers who are new to practice; held in March at the University of Virginia's Darden School of Business and sponsored by the VSB Young Lawyers Conference.

### **Law School Professionalism Course**

Professionalism course for first-year law students.

### INSURANCE

With authority from the General Assembly, the VSB endorses insurance products whose vendors offer Virginia lawyers discounts and other special benefits. Lawyers are free to select other commercial products.

#### **Personal Insurance**

Health, life and disability income plans are brokered through the Insurance Center for Virginia State Bar Members. A health plan with Anthem protects more than 4,000 Virginia attorneys, their families and staff.

#### **Legal Malpractice Insurance**

The endorsed vendor is Attorneys Liability Protection Society (ALPS). Virginia lawyers are not required to have malpractice insurance, but they are required to report to the VSB whether they have a policy in place, and the bar posts this information on its Web site.

## Services for Lawyers

### PRO BONO OPPORTUNITIES

The VSB's **Access to Legal Services Committee** encourages lawyers to contribute pro bono *publico* services to address unmet legal needs. The bar is currently recruiting for several programs.

**Legal Assistance for Military Personnel** An American Bar Association project to help low-income members of the National Guard, reserves and dependents.

**Section 1983 Appeals** For indigent inmates.

**Virginia Lawyers Helping Families** The Chief Justice's project to provide representation in child custody and visitation cases.

**Virginia Corps** A Governor's Office program for emergency preparedness.

### SUBSTANCE ABUSE ASSISTANCE

**Lawyers Helping Lawyers** (LHL), a nonprofit corporation that provides substance abuse and mental health services to impaired lawyers, receives financial support from the VSB. A statewide network of volunteers and a professional staff assist LHL in its mission. Individuals may call for confidential help. The VSB disciplinary system also makes referrals to LHL when misconduct cases involve mental health or substance abuse issues.

### SPECIALTY GROUPS

The VSB sponsors numerous groups for lawyers with common interests. These include:

**Practice Sections** Provide education and networking opportunities in 20 areas of substantive law. Each section elects officers, and most publish newsletters about legal developments and post their programs and news on the VSB Web site, [www.vsb.org](http://www.vsb.org).

## Services for Lawyers

The sections are supported by section dues, which range from \$10 to \$35.

The sections are:

Administrative Law  
Antitrust Law  
Bankruptcy Law  
Business Law  
Construction Law  
Corporate Counsel  
Criminal Law  
Education of Lawyers  
Environmental Law  
Family Law  
General Practice  
Health Law  
Intellectual Property  
International Practice  
Litigation  
Local Government Law  
Military Law  
Real Property  
Taxation  
Trusts and Estates

### Young Lawyers Conference (YLC)

A vehicle for new attorneys to get involved with the Virginia State Bar. Membership is automatic for lawyers age 36 and younger or in their first three years of practice. No additional dues are charged. Members receive the YLC's newsletter, *Docket Call*. Conference activities include admission and orientation programs, no-bills nights, minority recruitment conferences, emergency legal services after large-scale disasters, and other community outreach projects.

## Services for Lawyers

### Senior Lawyers Conference

For all members age 55 and older, this conference focuses on issues of interest to senior lawyers and promotion of the welfare of senior citizens. The SLC produces a *Senior Citizens Handbook* and provides speakers to encourage lawyers to plan for closing out their practices in the event of disability or death. It also addresses legislative issues such as guardianship of adults and regulation of assisted-living facilities.

### Conference of Local Bar Associations (CLBA)

Provides support to 135 local and specialty bar associations in Virginia. The CLBA sponsors a Bar Leaders Institute each year to help new local and statewide bar officers plan their bar year; publishes *So You're 18*, a booklet on legal responsibilities for new adults; maintains an information database and a local bar resource and videotape library; and makes executive committee and staff members available for technical assistance or presentations to local bars.

### Judicial Issues

The VSB **Committee on Bench-Bar Relations** brings attorneys and judges together from across the state to foster communication and to review the process for evaluating, nominating, electing and retaining state judges. A **Judicial Nominations Committee** reviews the candidates for judgeships and makes recommendations to the General Assembly or Governor.

## Services for Lawyers

### AWARDS

The VSB recognizes outstanding attorneys and bar associations with awards presented throughout the year. Qualifications are published on the VSB Web site at [www.vsb.org](http://www.vsb.org) and in *Virginia Lawyer* magazine. Awards are:

#### Awards of Merit/ Certificates of Achievement

For projects sponsored by local and specialty bar associations.

#### Fifty-Year Awards

For attorneys who have been licensed in Virginia for 50 years.

#### Harry L. Carrico Professionalism Award

For contributions to the criminal justice system.

#### Legal Aid Award

For attorneys employed by licensed legal aid societies.

#### Lewis F. Powell Jr. Pro Bono Award

For individual attorneys and attorney groups.

#### Lifetime Achievement Award

For family law practitioners.

#### Local Bar Leader of the Year Award

Presented by the Conference of Local Bar Associations.

#### Oliver W. Hill Student Pro Bono Award

For a law student's achievement in pro bono and undercompensated public service work.

#### R. Edwin Burnette Jr. Young Lawyer of the Year Award

Presented by the Young Lawyers Conference.

#### Tradition of Excellence Award

For general practitioners.

## Services for Lawyers

### ANNUAL MEETING

The Virginia State Bar Annual Meeting is held at Virginia Beach in June. Spanning several beachfront hotels, it draws hundreds of lawyers, judges and families for social and educational activities sponsored by VSB practice sections, committees and conferences. Several statewide bar and bar-related groups—the Virginia Association of Defense Attorneys, Virginia Trial Lawyers Association, Virginia Women Attorneys Association, Virginia Law Foundation and Virginia CLE—also host programs. A Lawyer's Expo offers the latest in law office technology, legal publications and related services.

## Services for the Public

### CLIENTS' PROTECTION FUND

Reimburses clients who have suffered financial losses because of dishonest conduct by Virginia lawyers. The fund is a remedy of last resort for clients who are not able to obtain reimbursement from other sources, such as the lawyer involved. The fund has paid out more than \$3 million on more than 830 claims since it was established in 1976.

### FEE DISPUTES

For complaints about legal fees, the VSB provides a **Fee Dispute Resolution** arbitration service. Both the lawyer and client must agree to participate and to abide by the decision of the arbiter.

## Services for the Public

### FINDING A LAWYER

The Virginia State Bar's **Lawyer Referral Service** provides callers with the name and telephone number of a lawyer who has indicated an interest in handling the caller's type of problem. The lawyer will consult for up to a half hour for a fee of \$35. If additional time is needed, the lawyer and client negotiate further fees.

In 2004, the service received more than 28,000 calls and made more than 21,000 referrals. The service assisted many more individuals with referrals to public service or governmental agencies. About 1,000 attorneys participate in the program.

### LEGAL AID AND PRO BONO SUPPORT

The VSB's **Access to Legal Services** program works to ensure that legal representation is available to the poor. It is responsible for:

#### Legal Aid Societies

The VSB licenses and monitors societies and makes the information available to the public.

#### Crisis Referral

The program helps members of the public in crisis situations locate information about free or reduced-fee **civil** and **appellate legal services**.

#### Pro Se Assistance

The program provides information about community legal education to **self-represented litigants**.

## Services for the Public

### EMERGENCY LEGAL SERVICES

- Post-Disaster Help** After natural disasters and other declared emergencies, the VSB's Young Lawyers Conference provides specially trained volunteer lawyers to help affected citizens with legal needs. This program is cosponsored by The Virginia Bar Association's Young Lawyers Division. The lawyers can be reached through the VSB's Lawyer Referral program.
- Wills for Heroes** Teams of volunteer lawyers help Virginia's first responders—firefighters, police officers and other rescue workers—with estate planning documents. Wills for Heroes also is shared by the VSB and the VBA young lawyers, in coordination with local emergency services department.

### VIRGINIA LAW FOUNDATION

The Virginia State Bar and The Virginia Bar Association support the **Virginia Law Foundation**, a nonprofit organization that makes grants to projects that educate the public about the law and the legal profession and advance justice in the commonwealth.

### LEGAL INFORMATION

The **VSB Publications Department** distributes free or low-cost booklets and brochures on law-related topics to the public. Topics include domestic relations issues, the Bill of Rights, estate planning and living wills. A list of publications is available on the VSB Web site at [www.vsb.org/publications/orderform.pdf](http://www.vsb.org/publications/orderform.pdf).

## Services for the Public

### SPEAKERS BUREAU

Schools and civic groups in search of volunteer speakers on legal topics are matched with lawyers in their communities by the **VSB Speakers Bureau**.

### LAW-RELATED EDUCATION

- Minority Pre-Law Project** A one-day seminar that exposes college students to Law School Admission Test prep courses, mock law school classes, and conversations with lawyers, judges and law students.
- Oliver Hill/Samuel Tucker Pre-Law Institute** A weeklong residential program on a college campus for minority high school students identified as at-risk.
- Law in Society Award** An essay contest in which high school students write about issues related to the U.S. Constitution. All winners receive a dictionary and thesaurus set and a plaque. Ten prizes are awarded, ranging from honorable mentions (\$50 cash or a \$100 U.S. Savings Bond) to first place (\$500 cash or a \$1,000 Savings Bond). Sponsored by the Litigation Section and the Publications and Public Information Committee.

## Virginia State Bar Contact Information

Clerk's Office (case information)	(804) 775-0539
Clients' Protection Fund	(804) 775-0524
Complaints about Lawyers	(866) 548-0873 (toll-free) (804) 775-0570 (in Richmond) <a href="http://www.vsb.org/inquiry.html">www.vsb.org/inquiry.html</a>
Emergency Legal Services (declared emergencies)	(800) 552-7977
Ethics Hotline	(804) 775-0564
Fee Disputes	(804) 775-0521
Finding a Lawyer— Lawyer Referral	(800) 552-7977 (toll-free) (804) 775-0808 (in Richmond)
Insurance for Lawyers: Health, Life, Disability	(877) 214-5239 (toll-free) (804) 353-7681 (in Richmond)
Insurance for Lawyers: Legal Malpractice	(800) 367-2577 (toll-free)
Law-Firm Audits— Janean Johnston	(703) 567-0088
Lawyers Helping Lawyers	(804) 644-3414
Lawyer Location and Status	(804) 775-0530
Local Bar Associations, Conference of	(804) 775-0521 <a href="http://www.vsb.org/clba/index.html">www.vsb.org/clba/index.html</a>
Mandatory Continuing Legal Education	(804) 775-0577 <a href="http://www.vsb.org/mcle/index.html">www.vsb.org/mcle/index.html</a>
Practice of Law Without a License	(800) 548-0873 (toll-free) (804) 775-0570 (in Richmond)

## Virginia State Bar Contact Information

Practice Sections	(804) 775-0516 <a href="http://www.vsb.org/sections/index.html">http://www.vsb.org/sections/index.html</a>
Press Information	(804) 775-0585
Pro Bono	(804) 775-0522 <a href="http://www.vsb.org/probono/index.html">http://www.vsb.org/probono/index.html</a>
Publications	(804) 775-0586 <a href="http://www.vsb.org/publications/index.html">http://www.vsb.org/publications/index.html</a>
Risk Manager—John Brandt	(800) 215-7354 (toll-free)
Senior Lawyers Conference	(804) 775-0576 <a href="http://www.vsb.org/slc/index.html">www.vsb.org/slc/index.html</a>
Speakers Bureau	(804) 775-0586 <a href="http://www.vsb.org/publications/speakersbureau/index.html">http://www.vsb.org/publications/speakersbureau/index.html</a>
TTY Device for the Hearing Impaired	(804) 775-0502
Virginia Board of Bar Examiners	(804) 786-7490
Virginia Law Foundation	(804) 648-0122
VSb Web Site	<a href="http://www.vsb.org">www.vsb.org</a>
Young Lawyers Conference	(804) 775-0517 <a href="http://www.vayounglawyers.org">www.vayounglawyers.org</a>

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## Notes



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